

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Sherri Love,  
Plaintiff  
v.  
Medical Unit E FMWCC, et al.,  
Defendants

Case No.: 2:20-cv-00525-JAD-EJY

**Order Denying as Moot Motions to Stay  
and for Status, and Setting Status  
Conference and Hearing on Motion for  
Preliminary Injunction**

[ECF Nos. 253, 254, 251]

Plaintiff Sherri Love brings this civil-rights action against various prison officials for  
grave indifference to medical needs. The defendants moved for summary judgment in  
September 2022.<sup>1</sup> I granted Love's many requests to respond to that motion and appointed the  
Fresno County Public Defender to represent her, but the FPD had to withdraw due to a conflict. On  
September 21, 2022, Love filed a motion for leave to file a second response to the defendants' motion for  
summary judgment. After Love repeatedly insisted that she could not respond to the motion because she still  
had not received declarations and medical records to support her claims, I denied the defendants' motion for  
summary judgment motion under Federal Rule of Civil Procedure 56(d), reopened discovery for  
several more days, and referred her case to the Pro Bono Program to help find her new counsel.<sup>2</sup>

After that order hit the docket, the clerk’s office received two motions from Love. One, July 21, 2023, requesting that the court “hold the summary-judgment [motion] in abeyance . . . [she is] appointed” counsel.<sup>3</sup> The other, dated August 4, 2023, was docketed as a motion for status update, and also states that Love “cannot do [her] opposition to summary

<sup>1</sup> ECF No. 160.

2 ECF No. 249.

<sup>3</sup> ECF No. 253.

1 judgment" in the two weeks she was previously given.<sup>4</sup> Both of those motions are dated before I  
 2 denied defendants' summary-judgment motion. Because the relief Love seeks is moot in light of  
 3 the denial, I deny Love's motions.

4 Love has also filed "objections" to my order denying defendants' summary-judgment  
 5 motion, claiming that I determined that the defendants "have a merited summary judgment."<sup>5</sup>  
 6 She also contends that it is "impossible" for her to complete more discovery because of her  
 7 severe medical problems but, at the same time, she complains that she has not been given enough  
 8 time to complete discovery.<sup>6</sup> She appears to request that, instead of extending discovery, I  
 9 should stay this case indefinitely because her illness prevents her from prosecuting it.<sup>7</sup>

10 To clarify, I *denied* defendants' summary-judgment motion; that means Love will have  
 11 another chance to present her evidence and argue that she is entitled to relief on her claims, either  
 12 in response to a renewed summary-judgment motion or at trial. But Love has not shown that an  
 13 indefinite stay of this case is warranted. Love, as the plaintiff in this case, is responsible for  
 14 moving her case forward. I am sympathetic to Love's representations about her mental-health  
 15 and medical problems. But this case cannot languish without any anticipation of when Love will  
 16 feel able to participate in her lawsuit. The correct course of action here is to attempt to find Love  
 17 pro bono counsel, and that search is in progress. **If Love has not yet filled out and returned**

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 20<sup>4</sup> ECF No. 254.

21<sup>5</sup> ECF No. 248 at 2.

22<sup>6</sup> *Id.* at 1 (arguing that she was not given "a far-above-average amount of time to complete  
 discovery" because COVID lockdowns and medical issues prevented her from utilizing that  
 time").

23<sup>7</sup> *Id.* at 1 (contending that she filed a "motion for a stay of execution and excusable neglect" that  
 she contends was "ignored").

1 the paperwork required by the Pro Bono Program, she is encouraged to do so as soon as  
2 possible.

3 Love has also filed a motion for a preliminary injunction, arguing that the medical staff at  
4 Florence McClure Women's Correctional Center is still acting deliberately indifferent to her  
5 continued severe kidney pain and related symptoms.<sup>8</sup> The defendants recently moved for a 14-  
6 day extension of time to respond to her motion, contending that they need to obtain Love's  
7 recent medical records. I find good cause to grant an extension, but not a 14-day one.  
8 Defendants' response is now due on October 6, 2023. I also set a hearing on Love's motion, as  
9 well as a status conference at the same time to discuss Love's purported inability to conduct  
10 further discovery in this case and the search for pro bono counsel.

11 **Conclusion**

12 IT IS THEREFORE ORDERED that Love's motions for a stay to respond to defendants'  
13 motion for summary judgment and for a status update on her response deadline [ECF Nos. 253  
14 and 254] are **DENIED as moot**.

15 IT IS FURTHER ORDERED that Love's motion for a preliminary injunction [ECF No.  
16 251] will be heard at **11:00 A.M. on October 18, 2023**, in Courtroom 6D of the Lloyd D.  
17 George Courthouse. The court will also conduct a status conference at that time. The court  
18 orders that Love be transported to the courthouse to attend this hearing in person.

19 IT IS FURTHER ORDERED that the defendants' motion for an extension of time to  
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<sup>8</sup> ECF No. 251.

1 respond to Love's motion [ECF No. 257] is GRANTED in part. Their response is now due on  
2 **October 6, 2023.** Love's reply is due on **October 13, 2023.**

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U.S. District Judge Jennifer A. Dorsey  
September 28, 2023